

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement</b> <i>by Applicant</i> (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit

**U.S. Patent Documents**

Examiner Initial	Design ID	Patent Number	Issue Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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**Foreign Patent Documents or Published Foreign Patent Applications**

Examiner Initial	Design ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

**Other Documents (include Author, Title, Date, and Place of Publication)**

Examiner Initial	Design ID	Document
A.R.	AQ	U.S. Patent Application Serial No. 09/780,648, filed February 8, 2001, Sharkey et al., entitled "Method and Apparatus for Treatment of Disrupted Articular Cartilage"
A.R.	AR	Organ, L.W., "Electrophysiologic Principles of Radiofrequency Lesion Making," <u>Applied Neurophysiology</u> , Vol. 39, 1976/77, pp. 69-76
A.R.	AS	Lu, Yan, et al., "Lavage Solution Temperature Influences Depth of Chondrocyte Death and Surface Contouring During Thermal Chondroplasty with Temperature-Controlled Monopolar Radiofrequency Energy," <u>American Journal of Sports Medicine</u> , Vol. 3, No. 5, Sept.-Oct. 2002, pp. 667-673
	AT	

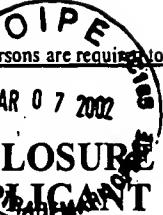
Examiner Signature <i>Caron</i>	Date Considered <i>3/7/2003</i>
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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PTO/SB/8A (08-00)

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4 Attorney Docket Number A-70829/ENB

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A. R.	A1	164,184		KIDDER	08/08/1875	
	B1	300,155		STARR	06/10/1894	
	C1	371,664		BRANNAN et al.	10/18/1887	
	D1	452,220		GUNNING	05/12/1891	
	E1	1,314,855		CARPENTER	09/02/1919	
	F1	1,366,756		WAPPLER	01/25/1921	
	G1	1,731,627		JOHNSON et al.	10/15/1929	
	H1	1,735,271		GROFF	12/12/1929	
	I1	1,814,791		ENDE	07/14/1931	
	J1	1,908,583		WAPPLER	05/09/1933	
	K1	1,916,722		ENDE	07/04/1933	
	L1	1,932,258		WAPPLER	10/24/1933	
	M1	1,943,543		McFADDEN	01/16/1934	
	N1	1,983,669		KIMBLE	11/11/1934	
	O1	2,002,594		WAPPLER et al.	05/28/1935	
	P1	2,004,559		WAPPLER et al.	06/11/1935	
A. R.	Q1	2,050,904		TRICE	08/11/1936	
	R1					

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)				
A. R.	SI	GB	2,160,102	A	RICHARD WOLF GmbH	12/18/1985		
	T1							
	U1							
	V1							
	W1							
	X1							
	Y1							
	Z1							

Examiner Signature *Aaron Roane* Date Considered 5/27/2004

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2

of 4

Complete if Known

Application Number	09/996,978
Filing Date	October 31, 2001
First Named Inventor	Mark D. Markel
Group Art Unit	3731
Examiner Name	to be assigned

Attorney Docket Number A-70829/ENB

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### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A.R.	A2	2,056,377		WAPPLER	10/06/1936	
	B2	2,224,464		WOLF	12/10/1940	
	C2	2,275,167		BIERMAN	03/03/1942	
	D2	2,888,928		SEIGER	06/02/1959	
	E2	3,152,590		ZURDO et al.	10/13/1964	
	F2	3,163,165		ISAKAWA	12/29/1964	
	G2	3,460,539		ANHALT, SR.	08/12/1969	
	H2	3,595,239		PETERSEN	07/27/1971	
	I2	3,768,482		SHAW	10/30/1973	
	J2	3,828,780		MORRISON, JR.	08/13/1974	
	K2	3,870,047		GONSER	03/11/1975	
	L2	3,901,242		STORZ	08/26/1975	
	M2	3,902,494		HABERLIN	09/02/1975	
	N2	3,920,021		HILTEBRANDT	11/18/1975	
	O2	3,920,022		PASTOR	11/18/1975	
	P2	3,938,527		RIOUX et al.	02/17/1976	
A.R.	Q2	3,987,795		MORRISON	10/26/1976	
	R2					

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)				
	S2							
	T2							
	U2							
	V2							
	W2							
	X2							
	Y2							
	Z2							

Examiner Signature

*Adson Rose*

Date Considered

5/27/2004

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**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**  
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Sheet 3 of 4

Complete if Known

Application Number	09/996,978
Filing Date	October 31, 2001
First Named Inventor	Mark D. Markel
Group Art Unit	3731
Examiner Name	to be assigned

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A, R.	A3	4,927,420		NEWKIRK et al.	05/22/1990	
	B3	5,277,696		HAGEN	01/11/1994	
	C3	5,281,218		IMRAN	01/25/1994	
	D3	5,458,596		LAX et al.	10/17/1995	
	E3	5,514,130		BAKER	05/07/1996	
	F3	5,643,255		ORGAN	07/01/1997	
	G3	5,785,705		BAKER	07/2/1998	
	H3	6,068,628		FANTON et al.	05/30/2000	
A, R.	I3	6,135,999		FANTON et al.	10/24/2000	
	J3					
	K3					
	L3					
	M3					
	N3					
	O3					
	P3					
	Q3					
	R3					

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)				
S								
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U								
V								
W								
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Z								

Examiner Signature	<i>Aaron Rose</i>	Date Considered	5/27/2004
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Substitute Form PTO-1448 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Mark D. Markel		
		Filing Date October 31, 2001	Group Art Unit 3739	

U.S. PATENT DOCUMENTS					
Examiner Initials <sup>4</sup>	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
	A1				
A.R.	B1	5,843,078		SHARKEY	12/01/1998
	C1	5,814,040		NELSON et al.	09/29/1998
	D1	5,810,809		RYDELL	08/1998
	E1	5,782,795		BAYS	07/1998
	F1	5,718,702		EDWARDS	02/1998
A.R.	G1	5,697,909		EGGERS et al.	12/1997
	H1				
A.R.	I1	5,688,270		YATES et al.	11/1997
	J1	5,683,366		EGGERS et al.	11/1997
	K1	5,681,282		EGGERS et al.	10/1997
	L1	5,630,839		CORBETT, III et al.	05/1997
	M1	5,599,346		EDWARDS et al.	02/1997
	N1	5,569,242		LAX et al.	10/1996
	O1	5,542,920		CHEIKH	08/1996
	P1	5,527,331		KRESCH et al.	06/1996
A.R.	Q1	5,524,338		MARTYNIUK et al.	06/1996
	R1				

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FOREIGN PATENT DOCUMENTS					
Examiner Initials <sup>4</sup>	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office <sup>3</sup>	Number <sup>4</sup>		
A.R.	S1	EP.	0 257 116	A1 Electronics N.V.	03/1988
	T1	EP.	0 274 705	A1 Erntrud Frimberger	07/1988
	U1	EP.	0 479 482	A1 Megadyne Medical Products Inc.	04/1992
	V1	EP.	0 521 595	A2 Lundquist, I.	01/1993
	W1	EP.	0 542 412	A1 Everest Medical Corp.	05/1993
	X1	EP.	0 558 297	A2 Japan Crescent Inc.	09/1993
A.R.	Y1	EP.	0 566 450	A1 Inst. Nat Sante Rech. Med	10/1993
	Z1				abstract

Examiner Signature	<i>Mark D. Markel</i>	Date Considered	1/31/2004
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SEP 09 2003Sheet 2 of 12

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement</b> <b>by Applicant</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR §1.98(b))</small>		Applicant Mark D. Markel			
		Filing Date October 31, 2001	Group Art Unit 3739		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>1</sup> (if known)		
	A2				
L.R.	B2	5,507,812		MOORE	04/1996
	C2	5,500,012		BRUCKER et al.	03/1996
	D2	5,498,258		HAKKY et al.	03/1996
	E2	5,487,757		TRUCKAI et al.	01/1996
	F2	5,486,170		WINSTON et al.	01/23/1996
	G2	5,484,435		FLEENOR et al.	01/1996
	H2	5,484,432		SAND	01/1996
	I2	5,484,403		YOAKUM et al.	01/1996
	J2	5,465,737		SCHACHAR	11/1995
A.R.	K2	5,464,023		VIERA	11/1995
	L2				
L.R.	M2	5,451,223		BEN-SIMHON	09/1995
	N2	5,437,662		NARDELLA	08/01/1995
A.R.	O2	5,437,661		RIESER	08/1995
	P2				
	Q2				
	R2				

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office <sup>3</sup>	Number <sup>4</sup>		
A.R.	S2	EP.	0 572 131	A1	Everest Medical Corp.
	T2	EP.	0 682 910	A1	Guenther et al.
	U2	EP.	0 479 482	B1	Megadyne Medical Products Inc.
	V2	EP.	0 729 730	A1	Aust, Gilbert et al.
	W2	EP.	0 737 487	A2	Cardiorhythm
	X2	EP.	0 783 903	A1	Bruker Sa
A.R.	Y2	FR.	1122634	Technomed Int. Sa	
	Z2				

Examiner Signature	<i>Aaron Bravie</i>	Date Considered	1/31/2004
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O I P E  
JC34  
SEP 09 2003Sheet 3 of 12Substitute Form PTO-1449  
(Modified)U.S. Department of Commerce  
Patent and Trademark OfficeAttorney's Docket No.  
14170-061001Application No.  
09/996,978Information Disclosure Statement  
by Applicant  
(Use several sheets if necessary)

(37 CFR §1.98(b))

Applicant  
Mark D. MarkelFiling Date  
October 31, 2001Group Art Unit  
3739

U.S. PATENT DOCUMENTS						
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		Number	Kind Code <sup>2</sup> (if known)			
A.R.	A3	5,433,739		SLUIJTER et al.	07/1995	
	B3	5,428,699		PON	07/27/1995	
	C3	5,423,806		DALE et al.	06/1995	
	D3	5,415,633		LAZARUS et al.	05/1995	
	E3	5,409,481		POPPAS et al.	04/25/1995	
	F3	5,401,272		PERKINS	03/1995	
	G3	5,397,304		TRUCKAI	03/1995	
	H3	5,382,247		CIMINO et al.	01/1995	
	I3	5,366,490		EDWARDS et al.	11/1994	
	J3	5,366,443		EGGERS et al.	11/1994	RECEIVED SEP 10 2003
	K3	5,364,395		WEST, JR.	11/1994	TECHNOLOGY CENTER R3700
	L3	5,354,331		SCHACHAR	10/1994	
	M3	5,352,868		DENEN et al.	10/1994	
	N3	5,348,554		IMRAN et al.	09/1994	
	O3	5,342,357		NARDELLA	08/1994	
	P3	5,334,193		NARDELLA	08/1994	
A.R.	Q3	5,323,778		KANDARPA et al.	06/1994	
	R3					

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Office <sup>1</sup>	Number <sup>4</sup>	Kind Code <sup>3</sup> (if known)			
A.R.	S3	FR.	2 645 008		Technomed Int. SA	03/1989	abstract
	T3	DE.	3511107	A1	Fischer Met GmbH	10/1986	abstract
	U3	DE.	3632197	A1	Audi Nsu Auto Union	03/1988	abstract
	V3	JP.	05-042166		Inter Noba KK	05/1993	abstract
	W3	SU.	637118	A	Movshovich et al.	12/1978	
	X3	GB.	1 340 451		Golyakhovsky	12/1973	
A.R.	Y3	GB.	2 164 473	A	C R Bard Inc.	03/1986	
	Z3						

Examiner Signature	<i>Aaron Basse</i>	Date Considered	<i>1/31/2004</i>
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Sheet 4 of 12

Substitute Form PTO-1445 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Mark D. Markel			
		Filing Date October 31, 2001	Group Art Unit 3739		

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A.R.	A4	5,320,115		KENNA	06/1994	
	B4	5,311,858		ADAIR	03/1994	
	C4	5,308,311		EGGERS et al.	03/1994	
	D4	5,304,169		SAND	04/1994	
	E4	5,284,479		DE JONG	02/1994	
	F4	5,275,151		SHOCKEY et al.	01/1994	
	G4	5,267,994		GENTELIA et al.	12/1993	
	H4	5,261,906		PENNINO et al.	11/1993	
	I4	5,242,441		AVITALL	09/1993	
	J4	5,242,439		LARSEN et al.	09/1993	
	K4	5,230,334		KLOPOTEK	07/1993	
	L4	5,213,097		ZEINDLER	05/1993	
	M4	5,201,731		HAKKY	04/1993	
	N4	5,201,730		EASLEY et al.	04/1993	
	O4	5,201,729		HERTZMANN et al.	04/1993	
	P4	5,192,267		SHAPIRA et al.	03/1993	
A.R.	Q4	5,191,883		LENNOX et al.	03/1993	
	R4					

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)		
A.R.	S4	WO	WO 85/02762	A1	Kh Hii Obschei Noetlozh Khirug	07/1985
	T4	WO	WO 92/10142	A1	Pfizer Hospital Products Group	06/1992
	U4	WO	WO 93/01774	A1	Boeckmann Alfred Dipl Ing	02/1993
	V4	WO	WO 93/16648	A1	Kensey Nash Corp.	09/1993
	W4	WO	WO 93/20984	A1	Zhi et al.	10/1993
	X4	WO	WO 95/01814	A1	Urologix Inc.	01/1995
A.R.	Y4	WO	WO 95/13113	A1	Somed International Inc.	05/1995
	Z4					

Examiner Signature	<i>Aaron Brane</i>	Date Considered	1/31/2004
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.20231.

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Sheet 5 of 12

Substitute Form PTO-1299 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit 3739
(37 CFR §1.98(b))			

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A.R.	A5	5,186,181		FRANCONI et al.	02/1993	
	B5	5,178,620		EGGERS et al.	01/1993	
	C5	5,103,804		ABELE et al.	04/1992	
	D5	5,100,402		FAN	03/1992	
	E5	5,098,430		FLEENOR	03/1992	
	F5	5,085,659		RYDELL	02/1992	
	G5	5,085,657		BEN-SIMHON	02/1992	
	H5	5,027,792		MEYER	07/02/1991	
	I5	5,009,656		REIMELS	04/1991	
	J5	5,007,908		RYDELL	04/1991	
	K5	4,998,933		EGGERS et al.	03/1991	
	L5	4,976,715		BAYS et al.	12/1990	
	M5	4,976,709		SAND	12/1990	
	N5	4,966,597		COSMAN	10/1990	
	O5	4,955,882		HAKKY	09/1990	
	P5	4,950,234		FUJOKA et al.	08/1990	
A.R.	Q5	4,944,727		MCCOY	07/1990	
	R5					

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TECHNOLOGY CENTER A3700**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)				
A.R.	S5	WO	WO 95/18575	A1	Vadamed, Inc.	07/1995		
	T5	WO	WO 95/20360	A1	Valley lab Inc.	08/1995		
	U5	WO	WO 95/25471	A2	Valleylab Inc.	09/1995		
	V5	WO	WO 95/30373	A1	Dorsal Orthopedic Corp.	11/1995		
	W5	WO	WO 95/30377	A1	Dahlstrand	11/1995		
	X5	WO	WO 95/34259	A1	Desai et al.	12/1995		
A.R.	Y5	WO	WO 96/11638	A1	Femrx	04/1996		
	Z5							

Examiner Signature	<i>Aaron Boone</i>	Date Considered	1/31/2004
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O I P E  
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JC3Sheet 6 of 12Substitute Form PTO-146B  
(Modified)U.S. Department of Commerce  
Patent and Trademark OfficeAttorney's Docket No.  
14170-061001Application No.  
09/996,978Information Disclosure Statement  
by Applicant  
(Use several sheets if necessary)

(37 CFR §1.98(b))

Applicant  
Mark D. MarkelFiling Date  
October 31, 2001Group Art Unit  
3739

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A.R.	A6	4,924,865		BAYS et al.	05/1990	
	B6	4,907,589		COSMAN	03/1990	
	C6	4,907,585		SCHACHAR	03/1990	
	D6	4,895,148		BAYS et al.	01/1990	
	E6	4,894,063		NASHEF	01/1990	
	F6	4,873,976		SCHREIBER	10/1989	
	G6	4,838,859		STRASSMANN	06/1989	
	H6	4,815,462		CLARK	03/1989	
	I6	4,811,733		BORSANYI et al.	03/1989	
	J6	4,651,734		DOSS et al.	03/1987	
	K6	4,601,705		MCCOY	07/1986	
	L6	4,597,379		KIHN et al.	07/1986	
	M6	4,593,691		LINDSTROM et al.	06/1986	
	N6	4,590,934		MALIS et al.	05/1986	
	O6	4,517,975		GARITO et al.	05/1985	
	P6	4,517,965		ELLISON	05/1985	
A.R.	Q6	4,483,338		BLOOM et al.	11/1984	
	R6					

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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>2</sup> (if known)				
A.R.	S6	WO	WO 96/32051	A1	Arthrocure Corp.	10/1996		
	T6	WO	WO 96/34568	A1	Knowiton, E.	11/1996		
	U6	WO	WO 96/34571	A1	Cosman, E.	11/1996		
	V6	WO	WO 96/39914	A1	Arthrocure Corp.	12/1996		
	W6	WO	WO 97/06855	A2	Rita Medical Systems, Inc.	02/1997		
A.R.	X6	WO	WO 98/07468	A1	Oratec Interventions, Inc.	02/1998		
	Y6							
	Z6							

Examiner Signature	<i>Asa Roome</i>	Date Considered	1/21/2004
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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit 3739
(37 CFR §1.98(b))			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
A.R.	A7	4,476,862		PAO	10/1984	
	B7	4,397,314		VAGUINE	08/1983	
	C7	4,381,007		DOSS	04/1983	
	D7	4,375,220		MATVIAS	03/1983	
	E7	4,362,160		HILTEBRANDT	12/1982	
	F7	4,344,193		KENNY	08/1982	
	G7	4,326,529		DOSS et al.	04/1982	
	H7	4,224,697		MURRAY et al.	09/1980	
	I7	4,224,696		MURRAY et al.	09/1980	
	J7	4,134,406		IGLESIAS	01/1979	
	K7	4,129,470		HOMSY	12/1978	
	L7	4,085,466		GOODFELLOW et al.	04/1978	
	M7	4,074,718		MORRISON	02/1978	RECEIVED
	N7	4,043,342		MORRISON, JR.	08/1977	SEP 10 2003
	O7	3,992,725		HOMSY	11/1976	TECHNOLOGY CENTER R3700
	P7	3,987,499		SCHARBACH et al.	10/1976	
A.R.	Q7	3,945,375		BANKO	03/1976	
	R7					
	S7					
	T7					
	U7					
	V7					
	W7					

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>			
	X7					
	Y7					
	Z7					

Examiner Signature	<i>Aaron Roane</i>	Date Considered	1/31/2004
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<sup>3</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>4</sup> Applicant is to place a check mark here if English Language Translation is attached.

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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement by Applicant</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR §1.98(b))</small>		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit 3739

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
A.R.	A8	3,938,198		KAHN et al.	02/1976
	B8	3,886,600		KAHN et al.	06/1975
	C8	3,879,767		SUBSTAD	04/1975
	D8	3,867,728		SUBSTAD et al.	02/1975
	E8	3,856,015		IGLESIAS	12/1974
	F8	3,821,510		MUNCHERYAN	06/28/1974
	G8	3,776,230		NEEFE	12/1973
	H8	3,579,643		MORGAN	05/1971
	I8	3,178,728		CHRISTENSEN	04/1965
A.R.	J8	2,090,923		WAPPLER	08/1937
	K8				
	L8				
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	U8				
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		Office <sup>3</sup>	Number <sup>4</sup> (if known)		
	X8				
	Y8				
	Z8				

Examiner Signature	<i>Aaron Roane</i>	Date Considered	1/31/2004
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<sup>1</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>2</sup> Applicant is to place a check mark here if English Language Translation is attached. Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and



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Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement</b> <b>by Applicant</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR §1.98(b))</small>		Applicant Mark D. Markel		
		Filing Date October 31, 2001	Group Art Unit 3739	

U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
A.R.	IA	6,602,248	8/5/03	Sharps et al.			
	IB	6,544,260	4/8/03	Markel et al.			
	IC	6,482,204	11/19/02	Lax et al.			
	ID	6,149,620	11/21/00	Baker et al.			
	IE	6,066,134	5/23/00	Eggers et al.			
	IF	5,609,151	3/11/97	Mulier et al.			
	IG	5,431,649	7/11/95	Mulier et al.			
A.R.	IH	5,725,524	3/10/98	Mulier et al.			
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Foreign Patent Documents or Published Foreign Patent Applications							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation Yes      No
	IL						
	IM						
	IN						
	IO						
	IP						

Other Documents (Include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	IQ	
	IR	
	IS	
	IT	

Examiner Signature	<i>Aaron Roan</i>	Date Considered	<i>1/31/2004</i>
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

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SEP 09 2003Sheet 10 of 12

Substitute Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement</b> by Applicant (Use several sheets if necessary)  (37 CFR §1.98(b))		Applicant <b>Mark D. Markel</b>		
		Filing Date <b>October 31, 2001</b>	Group Art Unit <b>3739</b>	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	
A.R.	A10	Attachment I: Competitive Literature on Generators with Bipolar Capabilities, IME Co., Ltd. pp. 60-86.	
	B10	Attachment II: Competitive Literature on Bipolar Forceps and Footswitch Controls, IME Co., Ltd. pp. 87-104.	
A.R.	C10	AUHLL, Richard A., "The Use of the Resectoscope in Gynecology," Biomedical Business International. Oct. 11, 1990, pp. 91-93.	
	D10		
A.R.	E10	BOSACCO et al., "Functional Results of Percutaneous Laser Discectomy," The American Journal of Orthopedics, Dec. 1996, pp. 823-828.	
	F10	BROMM et al., "Nerve Fibre Discharges, Cerebral Potentials and Sensations Induced by CO <sub>2</sub> laser Stimulation", Human Neurobiology, vol. 3, (1984) pp. 33-40.	
	G10	BUCHELT et al., "Fluorescence Guided Excimer Laser Ablation of Intervertebral Discs In Vitro," Lasers in Surgery and Medicine, vol. 11, (1991) pp. 280-286.	
	H10	BUCHELT et al., "Erb:YAG and Ho:YAG Laser Ablation of Meniscus and Intervertebral Discs," Lasers in Surgery and Medicine, vol. 12 No. 4, (1992) pp. 375-381.	
	I10	CHOY et al., "Percutaneous Laser Disc Decompression: A New Therapeutic Modality", Spine, vol. 17 No. 8, (1992) pp. 949-956.	
	J10	CHRJSTIAN, C. et al., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique", Operative Techniques in Sports Medicine, vol. 1, No. 1, Jan. 1993, pp. 50-57.	
	K10	COSMAN et al., "Theoretical Aspects of Radiofrequency lesions in the Dorsal Root Entry Zone," Neurosurgery, vol. 15 No. 6 (1984) pp. 945-950.	
	L10	COSSET, J.M., Resistive Radiofrequency (Low Frequency) Interstitial Heating (RF Technique), Interstitial Hyperthermia, Dec. 6, 1993, pp. 2-5, 37.	
	M10	DAVIS, "Early experience with Laser Disc Decompression", Florida M.A., 79(1) 37-39 (1992).	
	N10	Ellman International Mfg., Inc., 1989, Catalog, pp. 1-15, 20.	
	O10	GEHRING W.J., "Exploring the Homeobox," Gene, 135, (1993), pp. 215-221.	
	P10	GERBER et al., Der Orthopade: Offene Laserchirurgie am Bewegungsapparat, vol. 25, (1996) pp. 56-63.	
A.R.	Q10	GOTTLOB et al., "Holmium:YAG Laser Ablation of Human Intervertebral Disc: Preliminary Evaluation," Lasers in Surgery and Medicine, vol. 12, (1991) pp. 86-91.	
	R10		
	S10		
	T10		

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Examiner Signature	<i>Adson Boas</i>	Date Considered	1/31/2004
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<sup>1</sup> Unique citation designation number. <sup>1</sup> Applicant is to place a check mark here if English Language Translation is attached.

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Sheet 11 of 12

Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement</b> <b>by Applicant</b> <small>(Use several sheets if necessary)</small> <small>(37 CFR §1.98(b))</small>		<b>Applicant</b> <b>Mark D. Markel</b>	
		Filing Date October 31, 2001	Group Art Unit 3739

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
A.R	A11	HOUPT, J. et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc", Spine, vol. 21, No. 15, (1996), pp. 1808-1813.
	B11	Introduction to the LDD Disc Kit, Oct. 16, 1996.
	C11	KELLY L.E., "Purification and Properties of a 23kDa Ca2+-binding Protein," Biochem, J. (1990) 271, pp. 661-666.
	D11	KOLARIK et al., "Photonucleolysis of Intervertebral Disc and it's Herniation," Research Institute of Higher Nervous Activity, vol. 51; (1990) pp. 69-71.
	E11	LEU et al., "Endoskopie der Wirbelsaule: Minimal-invasive Therapie," Der Orthopade, vol. 21, (1992) pp. 267-272.
	F11	MAYER et al., "Lasers in Percutaneous Disc Surgery: Beneficial Technology or Gimmick?", Acta Orthop Scand., vol. 25 No. 251 (1993) pp. 38-44.
	G11	McCULLOCH et al., "Percutaneous Radiofrequency Lumbar Rhizolysis (rhizotomy)," DMA Journal, vol. 116, 30-32, Jan. 8, 1977.
	H11	MEHTA et al., "The Treatment of Chronic back Pain: A Preliminary survey of the Effect of Radiofrequency Denervation of the Posterior Vertebral Joints", Anaesthesia, vol. 34 (1979) pp. 768-775.
	I11	PATIL et al., "Percutaneous Discectomy Using the Electromagnetic Field Focusing Probe: A Feasibility Study", Int. Surg., 76:30-32 (1991).
	J11	PHILLIPS et al., "MR Imaging of Ho; YAG Laser Diskectomy with Histologic Correlation", JMRI, vol. 3 No. 3, May/Jun. 1993.
	K10	PRNewswire (Dec. 12, 1994), Two Physicians Perform First Outpatient Cervical Disc Procedure Using Laser Technology.
	L10	QUIGLEY et al., "Laser Discectomy: Comparison of Systems", Spine, vol. 19 No. 3 (1994) pp. 319-322.
	M11	SAVITZ M. A., "Same-day Microsurgical Arthroscopic lateral-approach Laser-assisted (SMALL) Fluoroscopic Discectomy," J. Neurosurg., vol. 80, Jun. 1994 pp. 1039-1045.
	N11	SCHATZ et al., "Preliminary Experience With Percutaneous Laser Disc Decompression in the Treatment of Sciatica," CJS JCC, vol. 38, No. 5, Oct. 1995, pp. 432-436.
A.R	O11	SLUIJTER et al., "Treatment of Chronic Back and Neck Pain by Percutaneous Therma Lesions," Persistent Pain: Modern Methods of Treatment, Vol. 3, Sampson Lipton E.D. 141-179 (1981).
	P11	
	Q11	
	R11	

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Substitute Form PTO-1442 (Modified)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)		Applicant Mark D. Markel		
(37 CFR §1.98(b))		Filing Date October 31, 2001	Group Art Unit 3739	

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A.R.	A12	SLUIJTER, "The use of Radio Frequency Lesions For Pain Relief in Failed Back Patients," Int Disabil Studies vol. 10(1), Sep. 4, 1996, pp. 37-43.		
	B12	SLUYTER, "Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes," Radionics, Inc. 2-24 (1989).		
	C12	SMINIA et al., "Effects of 434 MHz Microwave Hyperthermia applied to the rat in the region of the cervical Spinal Cord," Int J. Hyperthermia, vol. 3(5): pp. 441-452 (1987).		
	D12	Trimedyne, The Less Invasive Laser Advantage, Omni Spinal Introduction System.		
	E12	TROUSSIER, B. et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study", Spine, vol. 20, No. 15, (Aug. 1995), pp. 1713-1718.		
	F12	VOR WERCK et al., "Laserablation des Nucleus Pulposus: Optische Eigenschaften von Degeneriertem Bandscheibengewebe im Wellenlangenbereich von 200 bis 2200nm", R&F, vol. 151 No. 6, (1989) pp. 725-728.		
	G12	WILKINS et al., Neurosurgery: Method of Making Nervous System Lesions, ch. 337, pp. 2490-2499.		
	H12	WOLGIN et al., "Excimer Ablation of Human Intervertebral Disc at 308 Nanometers", Lasers in Surgery and Medicine, vol. 9, (1989) pp. 124-131.		
A.R.	I12	YONEZAWA et al., "The System and Procedure of Percutaneous Intradiscal Laser Nucleotomy," Spine, vol. 15 No. 11 (1990).		
	J12			
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